

REMARKS

I. Status Summary

Claims 1-11, 51-62, and 64 are pending in the present application subsequent to a Restriction/Election Requirement. Claims 12-50, 63, 65, and 66, withdrawn as directed to non-elected subject matter, have been canceled without prejudice. Applicants respectfully reserve the right to file one or more divisional applications with claims directed to the canceled claims.

The United States Patent and Trademark Office (hereinafter "the Patent Office") has rejoined all species and examined the claims for their full scope.

Claims 2-5, 7, 51-62, and 64 have been objected to as depending from a rejected base claim.

Claims 1, 6, and 8-11 have been provisionally rejected on the ground of non-statutory obviousness-type double patenting over claim 133 of co-pending U.S. Patent Application Serial No. 10/259,087 (hereinafter "the '087 Application").

Reconsideration of the application in view of the remarks set forth hereinbelow and in view of the terminal disclaimer filed herewith is respectfully requested.

II. Response to the Objections to the Claims

Claims 2-5, 7, 51-62, and 64 have been objected to as depending from a rejected base claim. According to the Patent Office, these claims would be allowable if rewritten in independent form to include all of the elements of the base claim and any intervening claims.

Initially, applicants respectfully submit that claim 51 is currently an independent claim, and thus it appears that claims 51-62 and 64 might have been included in this objection inadvertently. As such, applicants respectfully request that the objection be withdrawn as to claims 51-62 and 64. Furthermore, if applicants' understanding is correct, this implies that claims 51-62 and 64 are currently in condition for allowance, and applicants respectfully solicit a Notice of Allowance to that effect.

To address this objection as applied to claims 2-5 and 7, applicants file herewith a terminal disclaimer over any patent that issues from U.S. Patent Application Serial No. 10/259,087 (discussed in more detail hereinbelow). Applicants respectfully submit that

the filing of the terminal disclaimer moots the instant rejection as independent claim 1 is now believed to be in condition for allowance and claims 2-5 and 7 all depend directly or indirectly from claim 1.

Accordingly, applicants respectfully submit that claims 2-5 and 7 are also in condition for allowance, and respectfully solicit a Notice of Allowance to that effect.

II. Response to the Provisional Obviousness-type Double Patenting Rejection

Claims 1, 6, and 8-11 have been provisionally rejected on the ground of non-statutory obviousness-type double patenting over claim 133 of the '087 Application. According to the Patent Office, the conflicting claims, although not identical, are not patentably distinct from claim 133 of the '087 Application.

In an effort to facilitate prosecution of the instant claims, applicants hereby submit a terminal disclaimer in compliance with 37 C.F.R. 1.321(c) over any patent that might issue from the '087 Application. Applicants respectfully submit that the filing of the terminal disclaimer is not an acquiescence to the Patent Office's assertion that the subject claims are obvious over any of the claims of the '087 Application, and instead is simply an exercise of this statutory mechanism to remove the instant rejection.

Accordingly, applicants respectfully submit that the filing of the terminal disclaimer moots the instant rejection of claims 1, 6, and 8-11 on the ground of non-statutory obviousness-type double patenting over claim 133 of the '087 Application, and thus respectfully request that the instant rejection be withdrawn at this time.

CONCLUSION

In light of the above remarks and the filing of the terminal disclaimer, it is respectfully submitted that claims 1-11, 51-62, and 64 are now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

DEPOSIT ACCOUNT

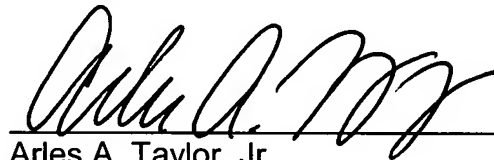
The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

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